

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MOJO NICHOLS, SUSAN BREWSTER,	:	
DUANE DEA, MARYANNE DERACLEO,	:	1:20-CV-03677 (LGS) (KHP)
KAREN KELLY, REBECCA RICHARDS,	:	
JENNIFER SELLERS, and STACY	:	
SPENCER,	:	
	:	
Individually and on Behalf of All Others	:	
Similarly Situated,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
NOOM, INC., ARTEM PETAKOV, and	:	
JOHN DOES 1 TO 5,	:	
	:	
Defendants.	:	
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**NOTICE OF DEFENDANTS' MOTION TO DISMISS**  
**PURSUANT TO RULES 12(F), 12(B)(1) AND 12(B)(6)**

PLEASE TAKE NOTICE that, upon the pleadings and the annexed Memorandum of Law, Declaration of Aarti Reddy, and all prior pleadings and proceedings herein, on a date and time to be designated by the Court, before the Honorable Lorna G. Schofield, United States District Judge for the Southern District of New York, 500 Pearl Street, New York, New York 10007, Defendants Noom, Inc. and Artem Petakov ("Defendants") will and hereby do move this Court for an order dismissing Plaintiffs' Third Amended Complaint in its entirety. Defendants bring this motion to dismiss under Federal Rules of Civil Procedure 12(f), 12(b)(1) and 12(b)(6) for failure to comply with Federal Rule of Civil Procedure Rule 8, failure to allege a threat of future injury, and failure to state a claim upon which relief can be granted.

Dated: February 12, 2021  
San Francisco, CA

Respectfully submitted,

COOLEY LLP

By: /s/ Aarti Reddy  
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